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ELASTICSEARCH, INC. and  
ELASTICSEARCH B.V.  
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10 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
11 **OAKLAND DIVISION**  
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14 ELASTICSEARCH, INC., a Delaware  
corporation, and ELASTICSEARCH B.V., a  
15 Dutch corporation,

16 Plaintiffs,

17 v.

18 FLORAGUNN GmbH, a German corporation,

19 Defendant.  
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Case No. 4:19-cv-05553-YGR

**[PROPOSED] ORDER DENYING  
DEFENDANT'S MOTION TO  
EXCLUDE PORTIONS OF  
TESTIMONY OF PLAINTIFFS'  
EXPERT MARTIN WALKER**

1 Defendant floragunn GmbH (“floragunn”) has moved the Court to exclude portions of the  
2 testimony of Plaintiffs Elasticsearch, Inc.’s and elasticsearch B.V.’s (collectively “Elastic”)  
3 expert, Dr. Martin Walker, regarding (1) Dr. Walker’s opinions on floragunn’s access to Elastic  
4 source code through decompilation of Elastic binaries and (2) Dr. Walker’s opinions that a  
5 reasonable, ordinary computer programmer would find certain Elastic and floragunn source code  
6 substantially similar in total concept and feel. The Court, having considered floragunn’s Motion,  
7 Elastic’s Opposition, any Reply of floragunn, the supporting Declarations, and the parties’  
8 arguments at hearing, hereby **DENIES** floragunn’s Motion.

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10 **IT IS THEREFORE ORDERED** that Plaintiffs’ expert Dr. Martin Walker’s opinions  
11 (1) regarding floragunn’s access to Elastic source code through decompilation of Elastic binaries  
12 and (2) that a reasonable, ordinary computer programmer would find certain Elastic and  
13 floragunn source code substantially similar in total concept and feel shall not be excluded.

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15 Dated: \_\_\_\_\_

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Honorable Yvonne Gonzalez Rogers  
United States District Judge